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Application Number 10/611,793

Filing Date 8/30/03

First Named Inventor Pierce

Art Unit 3712

Examiner Name Layne, G. H.

Attorney Docket Number JP 1

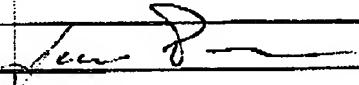
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| REPLY 5 pages PTO/SB/21 1 PAGE 132 AFFIDAVIT 7 pages 1 PAGE PHOTO 1 PAGE GRAPH OF PLACEMENTS | | |

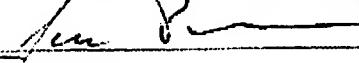
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Patent
Docket JP 1

In the United States Patent and Trademark Office

Application of: Jesse Pierce) Examiner: Layno, B.
Application Number 10/611,794) Art Unit: 3712
Filed on: 6/30/2003

Entitled: Reel Slot Machine and Rotator

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Dear Sir:

Reply after Final Action

In reply to the final official action mailed on October 18, 2004 with response due January 18, 2005, Applicant submits this reply including a 132 affidavit.

The Examiner asserts that the 1X, 2X, 3X, etc. seems to indicate that multiplying factors for the payout provides a bonus. The fact is that the software used by Applicant is common to a number of games that use symbols other than the multiplying factors and those games payout in multiples without specifically disclosing that on the lined up reels. Thus, the reels line up and the multiplied payout happens according to the software in a regular slot machine when a win occurs as shown on the pay table. Regular slot machines have multiplied payout and Applicant has used that in a new, surprising and unexpected way. While the rotator does operate like a reel, as the Examiner notes, it does not operate as a bonus it only looks like it is a bonus. Applicant's rotator could have symbols and still appear to be a bonus game. Applicant has introduced an illusion as

enhanced by the placement of a rotator apart from the others that the Applicant seeks to protect.

The Examiner says that Applicant's reels and symbols are akin to the underlying game of the bonus slot machines and that the rotator is like the bonus award.

Applicant believes that the Examiner's position unequivocally proves that the Applicant's illusion is a success. A bonus game by definition is one that happens when the symbols line up to grant entry into another and different game that almost always gives a bonus that is apart from the payout of the main game. The bonus can be, among other things, additional play or as noted by the Examiner a multiple of the winnings during bonus play. What ever is won it is separate from the underlying game.

It is not when the rotator stops or the construction of the top box that Applicant seeks a patent for it is the separation of a one game slot machine into what appears to be two separate games but is in actuality not two but is only one game without a qualifying main game or a separate bonus game. In the Deckerker, '863 patent column 1, lines 30 to 40 its operation is described:

"A bonus award display includes a bonus selector which selects and displays a bonus award prior to all of said main payout indicia being selected and displayed. A control system provides the bonus award display of one or more preselected displays of main payout indicia to be displayed on the main payout display. Thus, a possible bonus award is selected and displayed before the main payout display completes its display and the player knows whether or not the bonus award will be received."

The main payout display could be reels, simulated reels, simulated cards, or some other form of gaming device. In an illustrative embodiment, the main payout display is in the form of five simulated reels. The bonus award display is a wheel and a bonus selector which is a mechanical, moveable pointer.

One embodiment of a gaming machine of the present invention has three or more main payout reels with indicia displayed on the outer periphery of the reels. It includes a bonus award reel with a plurality of bonus indicia displayed substantially transverse to the axis of the reel. A controller causes the bonus award reel to spin coincidentally with one or more main

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payout reels and stops the bonus award reel prior to stopping all of the main payout reels. The bonus award is provided to the player if one or more preselected displays of indicia is displayed on the main payout reels."

Applicant's claimed apparatus and has no bonus game as described in '863 on the contrary the bonus indicator therein indicates perhaps a bonus award whereas Applicant's rotator operates just as a regular one game slot machine giving a payout if the rotator indicates that the player is so entitled. Again in column 1, lines 57 through 64 of '863 it discloses:

"A controller causes the bonus award reel to spin coincidentally with one or more main payout reels and stops the bonus award reel prior to stopping all of the main payout reels and providing the bonus award to the player if one or more preselected displays of indicia is displayed on the main payout reels."

In accordance with the present invention, a method of gaming is provided which includes activating a game machine, providing a main payout display of a plurality of main payout indicia with symbols, providing a bonus display of a bonus selector selecting and displaying a bonus award, coinciding the main payout display and awarding the bonus if one or more preselected displays of main payout indicia are displayed on the main payout display."

Thus '863 requires that the possible preselected bonus be shown and then won. Applicant has no bonus preselection on the reels and Applicant's illusion of a bonus is in fact just the conclusion of a regular slot game. Two step process of '863 having qualification (activation of the preselection) and then the win as established by the (bonus selected and displayed). In Applicant's game the rotator spins every time because it is controlled by the software as if it where another reel so there is entry to the illusory bonus every time even though winning does not happen every time. Thus there may be no bonus award. Specifically, Applicant's controller has no preselected displays showing activation for a bonus award. In Applicant's game there is only one award or payout. In '863 the specific disclosure describes a bonus award display but that requires the activation and then the win:

"Referring to FIG. 8, the gaming machine includes main payout display 38 and bonus award display 40. These displays could be reel (reels, wheels,

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pointers, etc.) or simulated (CRT's, LCD's, etc.) or some combination of real and simulated displays."

Consequently two games are required the main and the bonus whereas Applicant has only one game and one payable. Applicant's claimed apparatus and method has only one game that unconditionally allows play every time of on a rotator located apart from the reels thus suggesting yet another chance to win although in fact Applicant's game is spun once and can only be won once.

The software programs used in conversions were in slot games wherein there was no separate rotator providing an illusory bonus, i. e. anticipatory feature. Specifically, the software for a three reel game called, "Home Run" program #883370 was changed so the symbols on the 3rd reel became 1X, 2X, 3X, 4X under the pointer. The Home Run symbols were converted and one Joker became 1X, Double Joker became 2X, Triple Joker became 3X, 4X, etc. A game originally called, "Jackpot Devil" and it had symbols of Little Devil became a blank, Angels became 1X and Double Joker Faces became 2X on the 4th reel, Single Bar (1B) to Seven of Spades, Double Bar(2B) 10 & Seven of Hearts, Triple Bar (3B) to a Seven of Clubs and Seven (7) to the Seven of Diamonds. These software programs were used in slot games wherein there was no separate rotator providing an illusory bonus. Applicant was the first to convert the game to suggest a bonus game, give the illusion of a bonus game and an anticipatory feature.

The Examiner's position and rejections do not surprise Applicant as it was at first difficult to explain that there is no bonus game in Applicant's modified slot machine when it was demonstrated to the gaming regulators responsible for approving the game and to the casino managers charged with responsibility for purchasing and placing slot machines. In each instance those people, each with many years of experience, fail to recognize and were unable to comprehend the difference in Applicant's claimed apparatus and method. The resulting advantage of a non bonus game with split or separate located reels and rotator provides enhanced anticipation from what is an existing software driven game by providing enhanced anticipation from what is an existing software driven game by merely converting at least one reel to a separately placed rotator. The

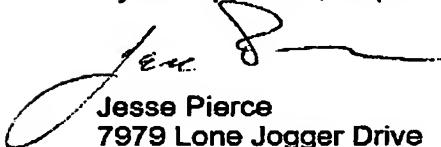
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illusion of two games results from the seriatim play of the first reel, the second reel, etc and finally the rotator; in fact, the rotator is just the continuation of the original game enhanced by the illusion of play located in the top box wherein bonus games traditionally appear. The advantage of spinning the rotator every time enhances the players' interest in the game and the excitement of the illusory **BONUS**.

Applicant submits the attached 132 affidavit to address the question of unobviousness. The Applicant's invention has evidence of commercial success, copying and the overall perception that this is the same as a convention bonus game even though those games require winning entry to spin the bonus reel. Since that is not required in this claimed apparatus and method the illusion remains and the advantages now being realized and copied should receive patent protection.

Applicant is prosecuting this application and would appreciate any guidance the Examiner can provide on how to advance this application to allowance.

By the Applicant, respectfully submitted,


Jesse Pierce
7979 Lone Jogger Drive
Las Vegas, NV 89113
Telephone (702) 876-9981

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